

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2021-114-E -- ORDER NO. \_\_\_\_\_**

**IN RE:**

**ORANGEBURG COUNTY SOLAR  
PROJECT, LLC & ORANGEBURG SOUTH  
SOLAR PROJECT, LLC, BOTH WHOLLY  
OWNED SUBSIDIARIES OF SAVION, LLC**

**PETITIONERS.**

**(PETITIONERS' PROPOSED)**

**ORDER**

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of a Petition filed by Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC, both wholly owned subsidiaries of Savion, LLC ("Petitioners"), on March 29, 2021. The Petition includes the Verification of Scott Zeimetz, the Chief Development Officer for Savion, LLC, and explains that Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC, are separate entities, established for the purpose of developing the Orangeburg County Solar Project and the Orangeburg South Solar Project, respectively (collectively "the Projects"). See Petition at page 3.

As further set forth in the Petition, the requested relief is an Order from this Commission finding that:

1. The Projects do not meet the definition of a major utility facility, as defined in S.C. Code §58-33-20(a), because each project will operate at a capacity less than 75 MW;
2. The Projects do not meet the definition of a major utility facility, as defined in S.C. Code §58-33-20(b), merely because they will share a

single 200-foot 230kV generation tie (gen-tie) line; and

3. Because the Projects do not meet the definition of a major utility facility, as defined in S.C. Code §58-33-20, the Petitioners are not required to obtain a Certificate of Environmental Compatibility pursuant to S.C. Code §58-33-10, et seq.

Petition at 1.

Codified at S.C. Code § 58-33-10, et seq., the South Carolina Facility Siting and Environmental Protection Act, provides that anyone intending to construct “a major utility facility” must first obtain a Certificate of Environmental Compatibility. The Petitioners assert that “[t]he process and procedure for a major utility facility to seek a Certificate involves the filing of an extensive application with supporting documentation and witness testimony” and that the process of completing the hearing “is costly to the utility and utilizes significant resources of both this Commission and the Office of Regulatory Staff.” Id. (citing S.C. Code § 58-33-110 through 170). The Petition states that if “both projects require costly certification proceeding under the Siting Act, the Petitioners must plan accordingly and be prepared to advise investors of the additional cost involved.” Petition at page 3.

In support of the relief requested, the Petition asserts:

1. Orangeburg County Solar Project, LLC and Orangeburg South Solar Project, LLC, are separate entities, established for the purpose of developing the Orangeburg County Solar Project and the Orangeburg South Solar Project, respectively.
2. The projects are separated by approximately one mile, as shown in the Orangeburg County Solar Project and Orangeburg South Solar Project figure attached [thereto] as Exhibit A.
3. Each project possesses a separate Santee Cooper queue position (#70 and #110, respectively) and are being studied as separate projects. In addition, the projects will possess separate Generator Interconnection Agreements with separate security and construction requirements.

4. The Orangeburg County Solar Project site is proceeding to construction first. It will include a 'Project' Substation. Once the 'Project' Substation is constructed, the Orangeburg South Solar Project will electrically connect to the 'Project' Substation through a medium voltage (34.5 kilovolt [kV]) collection system as depicted in the Electrical Concept Diagram embedded in Exhibit A.
5. Each project will consist of a single electric generation facility designed to operate at a limited capacity, producing less than seventy-five megawatts (<75 MWs). Therefore, the Projects do not meet the "major utility facility" definition of S.C. Code § 58-33-10(2)(a), which has a threshold of 75 MWs for electric generating plants.
6. As also depicted in Exhibit A, a single 230 kV generation tie (gen-tie) line will connect the 'Project' Substation to the designated Point of Intersection (POI), which is Santee Cooper's Mill Branch 230 kV Switching Station. The gen-tie line will be approximately 200 feet in length and it will be located entirely within the Orangeburg County Solar Project site. The gen-tie line will be maintained by the Orangeburg County Solar Project, LLC.
7. Therefore, inclusion of this gen-tie line does not convert either project into a "major utility facility" such that either Petitioner ought to be required to undertake the expensive and time consuming process of seeking a Certificate of Environmental Compatibility pursuant to S.C. Code § 58-33-10(2)(b).

Petition at pages 3-4; see also Exhibit A thereto, as filed.

On April 15, 2021, Dominion Energy South Carolina, Inc. ("DESC") filed its Petition to Intervene and Responsive Comments to Petition for Declaratory Order. Via letter filed April 21, 2021, counsel for the Petitioners informed the Commission that the Petitioners, DESC, and the South Carolina Office of Regulatory Staff ("ORS") intended to work cooperatively to explore the issues in the docket and that the parties would update the Commission by May 31, 2021, regarding the status of this matter. See Letter, Gressette to Hon. Boyd, April 21, 2021. On April 26, 2021, Chief Hearing Officer David Butler granted DESC's Petition to Intervene. See Order 2021-53-H.

On May 28, 2021, counsel for the Petitioners updated the Commission via filed letter, stating:

The Petitioner and staff of the South Carolina Office of Regulatory Staff (“ORS”) have met to discuss the Petition. After that meeting ORS propounded its First and Continuing Request for Production of Books, Records, and Other Information. The Petitioner responded and earlier today, May 28, 2021, ORS issued its Second and Continuing Request for Books, Records and Other Information.

The Petitioner intends to respond promptly to the Second Request and then anticipates conferring with the ORS again to determine whether all the parties might collectively propose a consent order for the Commission’s consideration. The Petitioner would like to present a proposed consent order (or an update reporting progress toward the same) to this Commission before June 30, 2021.

Letter, Gressette to Hon. Boyd, May 28, 2021.

On July 21, 2021, Jeffrey M. Nelson, Chief Legal Officer for ORS, filed ORS’s Recommendations regarding the Petition for Declaratory Order. See Letter/Recommendations, Nelson to Hon. Boyd, July 21, 2021. ORS reports having “issued discovery to the Petitioners to verify the details included in the Petition and to obtain additional information regarding the Projects.” Id. at page 2. ORS confirms that it also “independently verified the details included in the Petition through publicly available information,” including the “Projects’ interconnection queue positions with Santee Cooper, and the Projects’ Qualifying Facility (“QF”) filings with the Federal Energy Regulatory Commission (“FERC”). Id. The ORS Letter/Recommendation states:

The Petitioners provided [to ORS] detailed specifications regarding the operational capacity of the Projects in response to ORS’s discovery and ORS verified the details with the following public documentation related to the Projects:

- (a) The Petition states the Projects are in the Santee Cooper’s interconnection queue at positions #70 and #110. Santee Cooper’s Generation Interconnection Queues indicates the capacity at which the Projects will be interconnected at these queue positions will not exceed seventy-five (75) MW of AC power (“MWac”).

- (b) The Petitioners filed the requisite Forms 556 with FERC to certify the Projects as QFs. The Form 556 for each Project indicates the maximum net power production capacity of the Projects will not exceed seventy-five (75) MWac.

*Id.* at 2-3 (citing Santee Cooper's Generation Interconnection Queue: [https://www.oasis.oati/woa/docs/SC/SCdocs/Generation Queue 6-2-2021.pdf](https://www.oasis.oati/woa/docs/SC/SCdocs/Generation%20Queue%206-2-2021.pdf) and Forms 556 for Orangeburg County Solar Project and Orangeburg South Solar Project were filed with the Commission in Dockets ND-2020-23-E and ND-2020-24-E, respectively). Referencing discovery responses provided to ORS by the Petitioners, ORS concluded its Letter/Recommendation addressing the issue of capacity of the Projects, stating:

Petitioners responded that the solar photovoltaic inverters of both Projects are equipped with a real power curtailment function that will prevent either Project from exporting active power over seventy-five (75) MWac. The Petitioners assert this active power setting will only be accessible to the inverter vendor engineers or authorized service providers with the express written consent of the host utilities.

Letter/Recommendations, Nelson to Hon. Boyd, July 21, 2021, at page 3. With regard to the operating voltage of the generation tie line, ORS reported:

The Petitioners seek to construct a generation tie line with an operating voltage of 230 kV. Based on the Petitioners response to ORS's discovery, ORS understands that a generation tie line with a lower voltage could not be used to interconnect the Projects to Santee Cooper's transmission line which is rated at 230 kV. Additionally, in response to ORS's discovery, the Petitioners stated the length of the generation tie line has been limited to the maximum extent practicable.

Id. In conclusion, ORS issued the following Recommendation:

Based on the review of the aforementioned information, if the Commission issues an Order confirming that the Projects do not meet the definition of a major utility facility as defined in the Siting Act, ORS recommends the Commission provide in the Order that:

- (a) In accordance with the Siting Act, the Petitioners are required to apply for a Certificate if they increase the capacity of either of the Projects beyond the seventy-five (75) MW threshold in the future; and,
- (b) The Commission's determination is specific to this Petition and does not establish precedent for future requests of a similar nature.

Id.

Having considered the Petition, the representations contained therein, and the report and recommendation of ORS based on its independent investigation, the Commission hereby finds that the relief requested by the Petition is proper and justified.

THEREFORE, IT IS HEREBY ORDERED THAT:

- 1. The Projects do not meet the definition of a major utility facility, as defined in S.C. Code §58-33-20(a), because each project will operate at a capacity less than 75 MW;
- 2. The Projects do not meet the definition of a major utility facility, as defined in S.C. Code §58-33-20(b), merely because they will share a single 200-foot 230kV generation tie (gen-tie) line;
- 3. Because the Projects do not meet the definition of a major utility facility, as defined in S.C. Code §58-33-20, the Petitioners are not required to obtain a Certificate of Environmental Compatibility pursuant to S.C. Code §58-33-10, et seq.;
- 4. In accordance with the Siting Act, the Petitioners are required to apply for a Certificate if they increase the capacity of either of the Projects beyond the seventy-five (75) MW threshold in the future; and,
- 5. The Commission's determination is specific to this Petition and does not establish precedent for future requests of a similar nature.

IT IS SO ORDERED.

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Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina

September \_\_\_\_, 2021